IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4939 of 2006

Mr.Jayhind Rama Nakhwa & ors. Petitioners
Vs.
Group Grampanchayat Chanje & anr. Respondents

Mr.P.S.Dani for petitioners.
Mr.M.K.Nesari for respondents.

CORAM: B.H.MARLAPALLE,J.

August 01, 2006.

P.C.

. Heard Mr.Dani, the learned counsel for the petitioners-plaintiffs. Though the trial Court was pleased to allow the application for temporary injunction by its judgment and order dated 20/1/2006, the learned District Judge at Alibaug allowed Civil Misc. Appeal No.11 of 2006 vide his judgment and order dated 18/7/2006 and rejected the application at Exhibit 5 for temporary injunction filed in Regular Civil Suit No.73 of 2005.

. Prima facie it appears that the land in Survey No.7, Hissa No.1B+2B+5/2 has been acquired by the State Government and the possession panchanama indicates that the land was taken over on 28/1/1986. The plaintiffs claim to have purchased the said land partly admeasuring about 7 R. on or about 23/3/1988

i.e. after the acquisition proceedings were completed and the possession was taken. Mr. Dani, the learned counsel for the petitioners submitted that the entire land on Survey No.7, Hissa No.1B+2B+5/2 has not been taken over and the suit land admeasuring 7 R. does not form part of the award passed by the Land Acquisition Officer. This submission also does not appear to be, prima facie, reliable, in as much as in the plaint the total area of the suit property has been shown to be 21.2 R. whereas the award shows that from the very same survey land admeasuring 26.2 R. has been acquired. In any case it is for the plaintiffs to prove their contentions that the suit land was not part of the acquisition proceedings at any time by leading evidence and for prima facie findings the view taken by the learned District Judge cannot be faulted with.

. Hence the petition is rejected summarily.

(B.H.MARLAPALLE,J.)